

Michael Garnier

November 21, 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SOUTHWEST AIRLINES CO.,)
)
Plaintiff)
)
VS.) NO. 5:24-CV-01085-XR
)
THE CITY OF SAN ANTONIO,)
TEXAS and JESUS SAENZ, in)
his official capacity as)
Director of Airports for the)
City of San Antonio, Texas,)
)
Defendants)

ORAL AND VIDEOTAPED DEPOSITION OF

MICHAEL GARNIER

NOVEMBER 21, 2024

ORAL AND VIDEOTAPED DEPOSITION of MICHAEL
GARNIER, produced as a witness at the instance of the
Plaintiff, and duly sworn, was taken in the above-styled
and numbered cause on the 21st day of November, 2024,
from 8:59 a.m. to 1:35 p.m., before Naomi R. Peltier,
CSR in and for the State of Texas, reported by machine
shorthand, at the Airport Business Center, 10100 Reunion
Place, 8th Floor, San Antonio, Texas, pursuant to the
Federal Rules of Civil Procedure and the provisions
stated on the record or attached hereto.

Michael Garnier

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Pages 2 to 5

1	APPEARANCES	Page 2	1	I N D E X (continued)	Page 4
2	FOR THE PLAINTIFF: SOUTHWEST AIRLINES CO.		2	EXHIBITS	
3	M. ROY GOLDBERG CLARK HILL, PLC		3	NO. DESCRIPTION	FIRST REFERENCED
4	1001 Pennsylvania Avenue NW, Suite 1300 South Washington, D.C. 20004		4	45 Email (2028 Space Estimates for Southwest) ...133	
5	(202) 552-2388 rgoldberg@clarkhill.com		5	46 New Terminal Programming, 6/16/23 (CoSA 0000986, CoSA 0000987, CoSA 000990, CoSA 0001001, CoSA 0001002, CoSA 0001008, CoSA 0001021, and CoSA 0001036)136	
6	FOR THE DEFENDANT: THE CITY OF SAN ANTONIO, TEXAS AND JESUS SAENZ, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF AIRPORTS FOR THE CITY OF SAN ANTONIO, TEXAS		7	47 PAL 2 - Derivative - 17 Gates - Scenario 1 (CoSA 0000941 to CoSA 0000944)138	
8	W. ERIC PILSK KAPLAN KIRSCH, LLP		9	48 Airline Allocation Options (CoSA 0001345 to CoSA 0001374)143	
9	1634 I Street, NW, Suite 300 Washington, D.C. 20006		10	49 Email (CoSA 0005920)157	
10	(202) 955-5600 kaplankirsch.com		11	50 Email (CoSA 0005967)159	
11	DEBBIE KLEIN CITY OF SAN ANTONIO		12	51 Email (CoSA 0003979)162	
12	203 S. St. Mary's Street, 2nd Floor San Antonio, Texas 78205		13	52 Email (CoSA 0003929)163	
13	(210) 207-8919 deborah.klein@sanantonio.gov		14	53 CoSA Meeting Minutes: Executive Steering Committee, 12/15/23 (CoSA 0003461 to CoSA 0003466)169	
14	THE VIDEOGRAPHER: BRAD ROSAUER		15	54 CoSA Meeting Minutes: Executive Steering Committee 11/3/23 (CoSA 0001327, CoSA 0001333, CoSA 0001264, and CoSA 0001298)171	
15	ALSO PRESENT: ANGELA MAYEUX (In-House Counsel for Southwest Airlines Co.)		16	55 Email (CoSA 0004463 to CoSA 0004467)177	
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1	I N D E X	Page 3	1	THE VIDEOGRAPHER: We are on record on	Page 5
2	PAGE		2	Thursday, November 21st, 2024. The time is now	
3	Appearances2		3	8:59 a.m., beginning the video deposition of Michael	
4	EXAMINATION PAGE		4	Garnier.	
5	MICHAEL GARNIER Examination By Mr. Goldberg5		5	Will counsel introduce themselves for the	
6	REPORTER'S CERTIFICATE185		6	record, after which the court reporter will swear in the	
7	EXHIBITS FIRST		7	witness.	
8	NO. DESCRIPTION REFERENCED		8	MR. GOLDBERG: Thank you. This is Roy	
9	31 (Previously Marked) Terminal Development Program 3/29/24 (CoSA 0006127 to CoSA 0006148)148		9	Goldberg, with Clark Hill, and I represent Southwest	
10	32 (Previously Marked) Terminal Development Program 4/2/24 (CoSA 0005510 to CoSA 0005533)148		10	Airlines.	
11	33 (Previously Marked) Summary of Decision-Making Process for Past-DBO Gate & Club Locations (CoSA 0001973 and CoSA 0001974)21		11	MS. MAYEUX: Angela Mayeux, in-house	
12	35 (Previously Marked) Gating Placement Analysis Worksheet (CoSA 0003474 to CoSA 0003516, CoSA 0003483 to CoSA 0003485, CoSA 0003477 to CoSA 3482)49		12	legal, Southwest Airlines.	
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16	43 Text Messages97		16	MR. PILSK: Eric Pilsk, Kaplan Kirsch,	
17	44 Meeting Minutes - Executive Steering Committee (3/8/24) (CoSA 0003233 to CoSA 0003240)126		17	representing the City of San Antonio and Jesus Saenz.	
18			18	THE VIDEOGRAPHER: Thank you.	
19			19	MICHAEL GARNIER,	
20			20	having been first duly sworn, testified as follows:	
21			21	EXAMINATION	
22			22	BY MR. GOLDBERG	
23			23	Q. Good morning, Mr. Garnier.	
24			24	A. Thank you. Good morning.	
25			25	Q. Have you been deposed before?	

Michael Garnier

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<p>1 important to the City.</p> <p>2 A. Certainly. I think that that's -- What it</p> <p>3 sounded to me like, we had heard from our customer base,</p> <p>4 is having more options because there was a need that</p> <p>5 wasn't being filled.</p> <p>6 Q. And Southwest Airlines is a single cabin</p> <p>7 carrier?</p> <p>8 A. That's correct.</p> <p>9 Q. And that's why they were asked to remain in</p> <p>10 Terminal A, because they don't have first class?</p> <p>11 A. No, I think that clubs were a bigger factor,</p> <p>12 but operationally it worked. I mean, that was -- This</p> <p>13 was created well after Corgan's recommendation. And</p> <p>14 Corgan's recommendation had Southwest in Terminal A</p> <p>15 having literally nothing to do with this.</p> <p>16 Q. If that's the case, then why was this created</p> <p>17 at all?</p> <p>18 A. This was created to, as I said, kind of a gut</p> <p>19 check, how do we -- how do we get past this impasse of</p> <p>20 not being able to finalize the gates? So, it's -- Does</p> <p>21 this -- Does this match this (indicating)? Does this</p> <p>22 customer experience match the operational</p> <p>23 recommendation? And if they do, then we should have a</p> <p>24 winner.</p> <p>25 Q. Service, growth, experience, that was also</p>	<p>Page 58</p> <p>1 Well, the Bates Number is at the bottom of the page.</p> <p>2 That's the Southwest placement sheet, do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So, Southwest received zero points on</p> <p>5 "airline club requested," correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And as far as "fit into SAT," Southwest gets</p> <p>8 five points; is that right? That was your decision?</p> <p>9 A. Yes.</p> <p>10 Q. As opposed to American getting seven, correct?</p> <p>11 A. That's correct.</p> <p>12 Q. So, why did Southwest get two points less than</p> <p>13 American with regard to "fit into SAT"?</p> <p>14 A. I think with their no-frills LCC business</p> <p>15 model, it didn't -- it didn't really fit exactly what --</p> <p>16 There is a niche for it, there's a -- there's a market</p> <p>17 for it here, certainly, but the loudest voice that we</p> <p>18 were hearing was wanting that first class, wanting that</p> <p>19 club experience, wanting something different. And so --</p> <p>20 And certainly, there is a huge market for Southwest,</p> <p>21 they're very popular here, but there was just the extra</p> <p>22 components that American Airlines had that they didn't</p> <p>23 have.</p> <p>24 Q. And "service growth and experience," Southwest</p> <p>25 gets six versus American seven. Why the differential</p>
<p>1 allotted seven possible points; is that right?</p> <p>2 A. Okay.</p> <p>3 Q. Is that correct, the highest?</p> <p>4 A. Yes.</p> <p>5 Q. Now, for the first sheet we have here, which is</p> <p>6 Bates Number 3474, that's for American Airlines. Do you</p> <p>7 see that?</p> <p>8 A. Yes.</p> <p>9 Q. And of the airline club request, they were</p> <p>10 allocated the entire seven points; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And who made that decision? Was that you?</p> <p>13 A. Yes, that's pretty simple.</p> <p>14 Q. And "fit into SAT," you gave them full seven</p> <p>15 out of seven. Why is -- Why did American get the full</p> <p>16 seven out of seven points for that?</p> <p>17 A. Well -- So, they -- they have -- That's -- They</p> <p>18 have the split cabin, they offer the first class, they</p> <p>19 go to major hubs that have international connections.</p> <p>20 It just seemed like that -- they answered what I was</p> <p>21 told that our passengers wanted.</p> <p>22 Q. For comparison purposes, if you don't mind</p> <p>23 skipping ahead and we'll come back --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- to Bates Number 3483, at the bottom of --</p>	<p>Page 59</p> <p>Page 61</p> <p>1 there?</p> <p>2 A. Let me take a look here. Do we have notes on</p> <p>3 these?</p> <p>4 Q. There are notes on both of them.</p> <p>5 A. Yes. Okay.</p> <p>6 Q. But as far as your testimony as the</p> <p>7 decision-maker, I'd like to know what -- and please feel</p> <p>8 free to review the notes, but --</p> <p>9 A. Yeah.</p> <p>10 Q. -- once you review them, let me know why</p> <p>11 Southwest didn't get as many points as American on</p> <p>12 "service growth experience."</p> <p>13 A. So, very similar, Southwest, their boarding</p> <p>14 experience is different.</p> <p>15 Q. Not as -- Not as good as American's?</p> <p>16 A. Well, you know, there was an interesting</p> <p>17 Mythbusters that did the boarding experience, and</p> <p>18 Southwest is actually changing their boarding</p> <p>19 experience, so I don't think that that's -- The</p> <p>20 Mythbusters view was that it was not as good of an</p> <p>21 experience. It might have been fast, but it wasn't a</p> <p>22 great customer experience.</p> <p>23 Q. And that -- that's one of the reasons why they</p> <p>24 received less points than American?</p> <p>25 A. I think that having assigned seats, being able</p>